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10/646,153	08/21/2003	Jeong-Kyu Moon	678-1123	8920

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EXAMINER	
DESIR, PIERRE LOUIS	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,153	MOON, JEONG-KYU	
	Examiner	Art Unit	
	PIERRE-LOUIS DESIR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 04/30/2008 have been fully considered but they are not persuasive.

Applicants argue that Wheeler utilizes pre-stored information in performing an action after a failed call attempt, and fails to disclose the use of a phone number of a counterpart mobile terminal entered during a call attempt, as recited in amended claim 8. Further, continue applicants, Wheeler fails to disclose the transmission of a predetermined message and a phone number of the mobile terminal in amended claim 8.

Examiner respectfully disagrees.

First, it should be noted that Examiner fails to see the relevancy the argument of Wheeler of utilizing pre-stored information in performing an action after a call attempt.

One might even argue that both Wheeler and Applicants use pre-stored information in performing an action after a failed call attempt. In wheeler, after a failed call attempt, a call treatment rule set is checked to determine the appropriate call treatment for a particular individual. In the present application, if a call fails to establish or connect, a predetermined message (pre-stored-information) is transmitted to the call party.

Furthermore, to establish a call, the phone number related to the destination has to be entered either by the entering the entire number or by selecting a special key that corresponds to the destination. And, with Wheeler disclosure in col. 4, lines 37-59, any pre-stored message that is sent to the destination address as a result of the call being failed, that message is related to the

destination number entered during the attempt of request to establish a call connection since the message when sent will go directly to destination address.

Also, Applicants also argue that Moran describes that a particular function key of a telephone handset is pressed by a user as a method of leaving a particular message in a called party's mailbox. However, Moran fails to disclose the pressing of a one touch call button of the mobile terminal when a request for establishment of a call connection fails

It is important to respectfully remind Applicants one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

In this case, Wheeler discloses the following:

The originating party must pre-configure options in the tables (128, 130, 132) of the call treatment rule set 33 within the call treatment rule set 33 for particular individuals or groups in the event that certain terminating parties are not reachable, block 120. The originating party attempts a connection with Joe Smith via a mobile phone, 140. Joe Smith's line is busy, block 142. The originating subscriber then has pre-selected an instant message from a web menu, block 144. Call treatment rule set 33 selects Joe's mobile and the appropriate corresponding address, 122. The originating party has pre-selected for this situation a default message of "urgent, please call", block 146. Path 124 is selected and points to the service options 130. The service options 130 includes the instant message option and points to the list of instant messages, 132. The selected message is obtained from data storage. That is, the "urgent, please call" message is copied from the instant message options 132. Lastly, the message "urgent, please call" is sent to Joe's mobile phone via the IPv6 address and displayed on Joe's mobile phone, block 148 (see fig. 5, col. 4, lines 37-59).

From the above disclosure, it would have been obvious to one of ordinary skill in the art that one single dial procedure takes place for the user to transmit the pre-stored message. And this one-dial process takes place after a failure of the call connection. However, Wheeler does not specifically disclose that a one-touch call button was used for the transmission. Moran was cited as disclosing using a one-touch call button to transmit a message after a failure. More particularly, Moran discloses that with the service of voice mail or answering devices most people have to repeat this information several times a day. A user is able to pre-record messages stored at a messaging server, such as voice, text or video messages, or multimedia messages comprising a combination of these. The user is then able to send one of the pre-recorded messages to the mail box of a destination party by providing information about the directory number of the destination party mail box and, for example, pressing a particular function key on a telephone handset. **See abstract**. And, as known in the art, the process of voicemail or voice message indicates the unavailability of the called party (i.e., failure of call connection).

Therefore, the combination of Wheeler with Moran does read on the claim as amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (Wheeler), U.S. Patent No. 6639973, in view of Moran, US 20020073142 A1.

Regarding claim 8, Wheeler discloses a method comprising the step of requesting establishment of a call connection with a counterpart mobile terminal using the mobile terminal (i.e., an originating party places a call through an originating party call control, through a network, through a terminating party call control to a terminating subscriber) (see fig. 3, and abstract); establishing the call connection when the request for establishment of the call connection succeeds (i.e., if the terminating party was not busy, block 108 transfers control to block 112 via the no path. Block 112 determines whether the terminating party answered. If the terminating party answered, block 112 terminates the process (see col. 4, lines 26-36); when the request for establishment of the call connection fails, , transmits, using information a phone number of the counterpart mobile terminal entered during the request to establish the call connection, a phone number of the mobile terminal (as known in the art, the identification of the calling party is sent to the called party when a call connection is made) and a predetermined message to the counterpart mobile terminal (i.e., in a situation where the terminating party computer is not available, the originating party through call treatment rule set send a pre-stored message is sent) (see col. 2, lines 40-55, and col. 4, lines 37-59).

In wheeler, after a failed call attempt, a call treatment rule set is checked to determine the appropriate call treatment for a particular individual. In the present application, if a call fails to establish or connect, a predetermined message (pre-stored-information) is transmitted to the call party.

Furthermore, to establish a call, the phone number related to the destination has to be entered either by the entering the entire number or by selecting a special key that corresponds to the destination. And, with Wheeler disclosure in col. 4, lines 37-59, any pre-stored message that

is sent to the destination address as a result of the call being failed, that message is related to the destination number entered during the attempt of request to establish a call connection since the message when sent will go directly to destination address.

In addition, the originating party must pre-configure options in the tables (128, 130, 132) of the call treatment rule set 33 within the call treatment rule set 33 for particular individuals or groups in the event that certain terminating parties are not reachable, block 120. The originating party attempts a connection with Joe Smith via a mobile phone, 140. Joe Smith's line is busy, block 142. The originating subscriber then has pre-selected an instant message from a web menu, block 144. Call treatment rule set 33 selects Joe's mobile and the appropriate corresponding address, 122. The originating party has pre-selected for this situation a default message of "urgent, please call", block 146. Path 124 is selected and points to the service options 130. The service options 130 includes the instant message option and points to the list of instant messages, 132. The selected message is obtained from data storage. That is, the "urgent, please call" message is copied from the instant message options 132. Lastly, the message "urgent, please call" is sent to Joe's mobile phone via the IPv6 address and displayed on Joe's mobile phone, block 148 (see fig. 5, col. 4, lines 37-59).

From the above disclosure, it would have been obvious to one of ordinary skill in the art that one single dial procedure takes place for the user to transmit the pre-stored message. And this one-dial process takes place after a failure of the call connection.

Wheeler, however, does not specifically disclose that a one touch-button is pressed to transmit the message after failure.

Moran discloses that with the service of voice mail or answering devices most people have to repeat this information several times a day. A user is able to pre-record messages stored at a messaging server, such as voice, text or video messages, or multimedia messages comprising a combination of these. The user is then able to send one of the pre-recorded messages to the mail box of a destination party by providing information about the directory number of the destination party mail box and, for example, pressing a particular function key on a telephone handset. **See abstract**. And, as known in the art, the process of voicemail or voice message indicates the unavailability of the called party (i.e., failure of call connection).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Moran with the teachings described by Wheeler to arrive at the claimed invention. A motivation for doing so would have been to facilitate the sending of messages to a destination party.

Regarding claim 9, the combination of Wheeler and Moran discloses a method (see claim 8 rejection) wherein a predetermined message to be sent to a destination address is a pre-recorded voice or text message (see abstract).

Regarding claim 10, Wheeler discloses a method (see claim 8 rejection) wherein the predetermined message is a previously entered text message (i.e., pre-stored text message) (see col. 4, lines 49-51).

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PIERRE-LOUIS DESIR/
Examiner, Art Unit 2617

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617